IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3710 OF 2006
IN
FIRST APPEAL ST.NO.24557 OF 2005

Smt.Anita Naganand Ketkar
and Ors. ..Applicants

Vs.

National Insurance Co.Ltd.
& Ors. ..Respondents

Mr.S.M.Railkar Advocate for applicants
Mr.Sandesh Deshpande i/b H.C.Thanawala
Advocate for respondents

**CORAM: SMT.RANJANA DESAI &**
**SMT.V.K.TAHILRAMANI,JJ.**

**DATE : SEPTEMBER 15, 2006**

**P.C.**

1. In this civil application, the applicants have prayed for withdrawal of amount of Rs.10 lakhs without furnishing security out of the amount deposited by the Insurance Company in the trial Court. We have heard the learned counsel for the applicants. In our opinion, in the circumstances of this case, the following will meet the ends of justice:-

(a) The 1st applicant is permitted to withdraw an amount of Rs.5,00,000/- (Rs. five lakhs only) without furnishing security;

(b) The 3rd applicant-mother is permitted to withdraw an amount of Rs.2,25,000/- (Rs.Two lakhs twenty five thousand only) without furnishing security;

(c) The trial Court is directed to invest the remaining amount of deposit in a nationalised bank on usual terms;

(d) The trial Court shall ensure that six monthly accrued interest on the deposited amount is made available to the 1st applicant;

(e) Sub-paragraphs 4,5,6 and 7 of the order dated 27th April, 2005 shall stand substituted by this order;

(f) Needless to say that the deposited amount will ultimately abide by the final orders

which may be passed in this appeal;

2. Civil application is disposed of in the aforestated terms;

3. Authenticated copy be provided to the parties;

4. Parties to act on the authenticated copy.

[ SMT.RANJANA DESAI, J.]

[SMT.V.K.TAHILRAMANI,J.]